



Senate

General Assembly

File No. 155

January Session, 2015

Substitute Senate Bill No. 926

Senate, March 23, 2015

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE OR NEGLECT BY SCHOOL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) Notwithstanding any provision of the general statutes, not later
4 than five working days after an investigation of a report that a child
5 has been abused or neglected by a school employee, as defined in
6 section 53a-65, has been completed, the Commissioner of Children and
7 Families shall notify the employing superintendent and the
8 Commissioner of Education of the results of such investigation and
9 shall provide records, whether or not created by the department,
10 concerning such investigation to the superintendent and the
11 Commissioner of Education. The Commissioner of Children and
12 Families shall provide such notice whether or not the child was a
13 student in the employing school or school district. If (1) the

14 Commissioner of Children and Families, based upon the results of the
15 investigation, has reasonable cause to believe that a child has been
16 abused or neglected by such employee, and (2) the commissioner
17 recommends such school employee be placed on the child abuse and
18 neglect registry established pursuant to section 17a-101k, as amended
19 by this act, the superintendent shall suspend such school employee.
20 Such suspension shall be with pay and shall not result in the
21 diminution or termination of benefits to such employee. Not later than
22 seventy-two hours after such suspension the superintendent shall
23 notify the local or regional board of education and the Commissioner
24 of Education, or the commissioner's representative, of the reasons for
25 and conditions of the suspension. The superintendent shall disclose
26 such records to the Commissioner of Education and the local or
27 regional board of education or its attorney for purposes of review of
28 employment status or the status of such employee's certificate, permit
29 or authorization. The suspension of a school employee employed in a
30 position requiring a certificate shall remain in effect until the board of
31 education acts pursuant to the provisions of section 10-151. If the
32 contract of employment of such certified school employee is
33 terminated, or such certified school employee resigns such
34 employment, the superintendent shall notify the Commissioner of
35 Education, or the commissioner's representative, within seventy-two
36 hours after such termination or resignation. Upon receipt of such
37 notice from the superintendent, the Commissioner of Education may
38 commence certification revocation proceedings pursuant to the
39 provisions of subsection (i) of section 10-145b. Notwithstanding the
40 provisions of sections 1-210 and 1-211, information received by the
41 Commissioner of Education, or the commissioner's representative,
42 pursuant to this section shall be confidential subject to regulations
43 adopted by the State Board of Education under section 10-145g.

44 (b) Not later than five working days after an investigation of a
45 report that a child has been abused or neglected by a staff member of a
46 public or private institution or facility that provides care for children
47 or a private school has been completed, the Commissioner of Children
48 and Families shall notify such staff member's employer at such

49 institution, facility or school, or such employer's designee, of the
50 results of the investigation. If (1) the [Commissioner of Children and
51 Families] commissioner, based upon the results of the investigation,
52 has reasonable cause to believe that a child has been abused or
53 neglected by such staff member, and (2) the commissioner
54 recommends that such staff member be placed on the child abuse and
55 neglect registry established pursuant to section 17a-101k, as amended
56 by this act, such institution, facility or school shall suspend such staff
57 person. Such suspension shall be with pay and shall not result in
58 diminution or termination of benefits to such staff person. Such
59 suspension shall remain in effect until the incident of abuse or neglect
60 has been satisfactorily resolved by the employer of the staff person or
61 until an appeal, conducted in accordance with section 17a-101k, as
62 amended by this act, has resulted in a finding that such staff person is
63 not responsible for the abuse or neglect or does not pose a risk to the
64 health, safety or well-being of children. If such staff member has a
65 professional license or certificate issued by the state or a permit or
66 authorization issued by the State Board of Education or if such
67 institution, school or facility has a license or approval issued by the
68 state, the commissioner shall forthwith notify the state agency
69 responsible for issuing such license, certificate, permit, approval or
70 authorization to the staff member and provide records, whether or not
71 created by the department, concerning such investigation.

72 (c) Upon completion of an investigation of a report that a child has
73 been abused or neglected by a school employee, as defined in section
74 53a-65, pursuant to subsection (a) of this section, if the Commissioner
75 of Children and Families has reasonable cause to believe that a child
76 has not been abused or neglected by such school employee, the
77 commissioner shall require all records, including copies of any notice
78 placing the school employee on suspension or administrative leave,
79 kept or maintained by the employing superintendent, local or regional
80 board of education or the Commissioner of Education concerning the
81 investigation to be expunged not more than five working days after
82 the completion date of such investigation.

83 ~~[(c)]~~ (d) If a school employee, as defined in section 53a-65, or any
84 person holding a certificate, permit or authorization issued by the State
85 Board of Education under the provisions of sections 10-144o to 10-149,
86 inclusive, is convicted of a crime involving an act of child abuse or
87 neglect as described in section 46b-120 or a violation of section 53-21,
88 53a-71 or 53a-73a, the state's attorney for the judicial district in which
89 the conviction occurred shall in writing notify the superintendent of
90 the school district or the supervisory agent of the nonpublic school in
91 which the person is employed and the Commissioner of Education of
92 such conviction.

93 ~~[(d)]~~ (e) For the purposes of receiving and making reports, notifying
94 and receiving notification, or investigating, pursuant to the provisions
95 of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a
96 superintendent of a school district or a supervisory agent of a
97 nonpublic school may assign a designee to act on such
98 superintendent's or agent's behalf.

99 ~~[(e)]~~ (f) On or before February 1, 2012, each local and regional board
100 of education shall adopt a written policy, in accordance with the
101 provisions of subsection (d) of section 17a-101, regarding the reporting
102 by school employees, as defined in section 53a-65, of suspected child
103 abuse in accordance with sections 17a-101a to 17a-101d, inclusive, and
104 17a-103. Such policy shall be distributed annually to all school
105 employees employed by the local or regional board of education. The
106 local or regional board of education shall document that all such
107 school employees have received such written policy and completed the
108 training and refresher training programs required by subsection (c) of
109 section 17a-101.

110 ~~[(f)]~~ (g) (1) All school employees, as defined in section 53a-65, hired
111 by a local or regional board of education on or after July 1, 2011, shall
112 be required to complete the training program developed pursuant to
113 subsection (c) of section 17a-101. All such school employees shall
114 complete the refresher training program, developed pursuant to
115 subsection (c) of section 17a-101, not later than three years after

116 completion of the initial training program, and shall thereafter retake
117 such refresher training course at least once every three years.

118 (2) On or before July 1, 2012, all school employees, as defined in
119 section 53a-65, hired by a local or regional board of education before
120 July 1, 2011, shall complete the refresher training program developed
121 pursuant to subsection (c) of section 17a-101 and shall thereafter retake
122 such refresher training course at least once every three years.

123 Sec. 2. Subsection (h) of section 17a-101k of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July*
125 *1, 2015*):

126 (h) (1) Records containing unsubstantiated findings and records
127 relating to family assessment cases shall remain sealed, except that
128 such records shall be made available to department employees in the
129 proper discharge of their duties and shall be expunged by the
130 commissioner five years from the completion date of the investigation
131 or the closure of the family assessment case, whichever is later, if no
132 further report is made about the individual subject to the investigation
133 or the family subject to the assessment, except that if the department
134 receives more than one report on [an] such individual subject to
135 investigation or a family subject to assessment and each report is
136 unsubstantiated, all reports and information pertaining to the
137 individual or family shall be expunged by the commissioner five years
138 from the completion date of the most recent investigation.

139 (2) Notwithstanding the provisions of subdivision (1) of this
140 subsection, records containing unsubstantiated findings of an
141 investigation of an allegation of abuse or neglect by a school employee,
142 as defined in section 53a-65, in the course of such school employee's
143 employment shall be expunged not more than five days after the
144 completion date of such investigation.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2015</i>	17a-101i
Sec. 2	<i>July 1, 2015</i>	17a-101k(h)

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Children & Families, Dept.	GF - Potential Cost	Up to \$20,000	None

Municipal Impact: None

Explanation

There is a one-time potential cost of up to \$20,000 related to requiring the Department of Children and Families to expunge records of investigations of school employee neglect or misconduct when it is found that no abuse or neglect occurs. The agency will need to contract with its software developers in order to delete the information in the time the bill requires.

The Out Years

There are no costs associated with this bill in the out years due to the one-time nature of the costs associated with the bill.

OLR Bill Analysis**sSB 926*****AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE OR NEGLECT BY SCHOOL EMPLOYEES.*****SUMMARY:**

By law, the Department of Children and Families (DCF) must investigate reports that a school employee abused or neglected a child and notify the employing superintendent and education commissioner of its findings within five working days of the investigation's completion. This bill requires DCF to expunge all records of such an investigation by the same deadline if DCF finds reasonable cause that the employee did not abuse or neglect the child.

It also requires DCF to expunge from its child abuse and neglect registry, within five days of an investigation's completion, all records of the investigation if it failed to substantiate an allegation that a school employee abused or neglected a child in the course of his or her employment.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2015

INVESTIGATIONS OF SCHOOL EMPLOYEES

The bill requires DCF to expunge all records of an investigation of a school employee for abusing or neglecting a child within five working days of completing the investigation if it finds reasonable cause that the employee did not abuse or neglect the child. Among the records it must expunge are copies of any notice suspending the school employee or placing him or her on administrative leave kept or maintained by the employing school superintendent, local or regional school board, or the education commissioner.

By law, a school employee is a (1) teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional board of education or a private elementary, middle or high school or working in a public or private elementary, middle, or high school; or (2) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (a) a public elementary, middle, or high school, under a contract with the local or regional board of education, or (b) a private elementary, middle or high school, under a contract with the supervisory agent of the private school.

CHILD ABUSE OR NEGLECT REGISTRY

By law, the DCF commissioner must maintain a registry of findings of child abuse or neglect. Records containing unsubstantiated findings and those relating to family assessment cases are confidential, subject to state and federal law.

Existing law requires DCF to expunge records of unsubstantiated findings and records five years from the date an investigation is completed if within that time there is no further report about the individual investigated. In cases where there is more than one such report for a particular individual, each of which DCF finds is unsubstantiated, the law requires DCF to expunge all reports and information pertaining to the individual five years from the date the most recent investigation is completed. (For example, if DCF has unsubstantiated reports on the same individual from 2011 and 2014, it must expunge the records in both cases by 2019).

The bill requires, regardless of this law, that DCF expunge, no later than five days after completing it, the records of an investigation of a school employee when it finds no substantiation of an allegation that the employee abused or neglected a child in the course of his or her employment.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 1 (03/05/2015)